U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** Galveston FILE NUMBER: D-17057 PROJECT LOCATION INFORMATION: State: Texas County: Aransas Center coordinates of site (latitude/longitude): 27 59 31.6176; 97 04 35.7960 Approximate size of area (parcel) reviewed, including uplands: 0.043 acre. Name of nearest waterway: Gulf Intracoastal Waterway Name of watershed: Aransas Bay System JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 28 February 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: \_\_acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.068 acre.</u> There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wettailus.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, or natural nonds, the use, degradation or (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Bulkhead exists in commercial boat basin with a connecting boat channel to the GIWW which runs to the nearby tidal estuary of Aransas Bay.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

## FILE NUMBER: D-17057

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: hydrophytic vegetation
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
L	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 180 Slated, intrastate wetland with no nexus to interstate commerce.  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
I I I I I I I I I I I I I I I I I I I	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps: Estes, TX  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. A Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Estes, TX  State/Local wetland inventory maps:  EMA/FIRM maps (Map Name & Date):  00-year Floodplain Elevation is: (NGVD)  Normal Photographs (Name & Date):  Outper Photographs (Name & Date):  Outper Photographs (Date):  Advanced Identification Wetland maps:  ite visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION Revised 8/13/04

U.S. Army Corps of Engineers

	ICT OFFICE: Galveston IUMBER: 23707
Sta Co Cer Ap Na	te: Texas unty: Aransas nter coordinates of site (latitude/longitude): 28 37 68.00; 97 02 0.9960 proximate size of area (parcel) reviewed, including uplands: 0.068 acre. me of nearest waterway: Little Bay me of watershed: Aransas Bay System
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	risdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.068 acre.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:acre.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
Α.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Waters of Little Bay, which are connected to Aransas Bay, that are subject to daily ebb and flow of tide.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

## FILE NUMBER: 23707

La	Ordinary High Water Mark indicated by:   Clear, natural line impressed on the bank   Did or scum line along shore objects     Changes in the character of soil   Destruction of terrestrial vegetation   Other: hydrophytic vegetation   Other: hydrophytic vegetation   Ordinary High Water Mark indicated by:   High Tide Line indicated by:   Ordinary High Water Mark indicated by:   Ordinary High Water Mark indicated by:   Oil or scum line along shore objects   Gine shell or debris deposits (foreshore)     Physical markings/characteristics   Didal gages   Didal gages   Other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply:  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Rockport, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Datural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Rockport, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): USDA 7 Jan 95  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston FILE NUMBER: SWG 05-18-002 PROJECT LOCATION INFORMATION: State: Texas County: Cameron Center coordinates of site (latitude/longitude): 27 00 56.6784; 97 09 25.2072 Approximate size of area (parcel) reviewed, including uplands: 0.048 acre. Name of nearest waterway: Name of watershed: Laguna Madre System JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 28 February 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limits to be no "wat United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>acre.</u> There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: \_0.068 acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

## FILE NUMBER: SWG 05-18-002

La ⊠	Action Section Section: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank  the presence of litter and debris  changes in the character of soil destruction of terrestrial vegetation shelving other: hydrophytic vegetation  Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
		:
	In reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 C I Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):	or d for CFR
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Isabel, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional Resources Conservation Service Soil Survey:  National wetlands inventory maps: Port Isabel, TX  State/Local wetland inventory maps: Port Isabel, TX  State/Local wetland inventory maps: (NGVD)  Aerial Photographs (Map Name & Date): USDA 7 Jan 95  Other photographs (Date): 14 Jan 2005  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRI	CT OFF	ICE: CE	SWG
FILE N	UMBER:	SWG-0	5-14-008

Stat Cou	CT LOCATION INFORMATION: e: Texas nty: Orange ter coordinates of site (latitude/longitude): 30° 04' 10"N, 93° 49' 16"W (NAD27)
App Nan	roximate size of area (parcel) reviewed, including uplands:0.01 acre. ne of nearest waterway: Patillo Bayou Lateral No. 3 ne of watershed: Lower Sabine
	ICTIONAL DETERMINATION  appleted: Desktop determination
Juri	sdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.01 acre
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of territorial seas.  (7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.
	ungle for the Rasis of Jurisdictional Determination (applicate and but a large and large)

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). Patillo Bayou Lateral No. 3 and adjacent fringe wetlands are connected to Patillo Bayou, previously named Coon Bayou. The Patillo Bayou flows into Cow Bayou, which flows into the Sabine River. The Sabine River is a navigable water of the United States.

Lateral Orc	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  dinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans.  SWG-05-14-008 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
L):	an High Water Mark indicated by: survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.
W CI	cland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The Unal Head The	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Iduarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Corps has made a case-specific determination that the following waters present on the site are not Waters of the ed States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
Data s  The property of the pr	WED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  plans, plots or plat submitted by or on behalf of the applicant.  hiesets prepared/submitted by or on behalf of the applicant.  his office concurs with the delineation report, dated, prepared by (company):  his office does not concur with the delineation report, dated, prepared by (company):  heets prepared by the Corps.  navigable waters' studies:  lecological Survey Hydrologic Atlas:  lecological Survey 7.5 Minute Topographic maps:  lecological Survey 7.5 Minute Historic quadrangles:  lecological Survey 15 Minute Historic quadrangles:  Natural Resources Conservation Service Soil Survey:  al wetlands inventory maps:  Jericological Wall inventory maps:  Jericological Wall inventory maps:  Jericological Survey (Map Name & Date):  ar Floodplain Elevation is: (NGVD)  Photographs (Name & Date):  Sitholographs (Date): Site photographs submitted with the project plans.  leced Identification Wetland maps:  liddetermination conducted on:  able/supporting case law:  Information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	UMBER: SWG-05-33-005
Star Cou Cer App Nar	CT LOCATION INFORMATION: te: Louisiana unty: Cameron Parish nter coordinates of site (latitude/longitude): 29° 45' 00"N, 93° 52' 28"W (NAD27) proximate size of area (parcel) reviewed, including uplands: 328 acres. ne of nearest waterway: Sabine Pass Channel ne of watershed: Sabine Lake
JURISD Coi	pictional determination mpleted: Desktop determination Site visit(s) Date: 03 March 2005 Date(s):
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). Project is located in tidal and non-tidal wetlands verified by the Galveston District Corps of Engineers. The wetlands are adjacent to the Sabine Pass Channel.

Late	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	8 and 329) High Tide Line indicated by: oil or scum line along sho fine shell or debris deposi physical markings/charact tidal gages other:	its (foreshore)
	Mean High Water Mark indicated by:  ☑ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation	tynes
	Wetland boundaries, as shown on the attached wetland de Wetland boundaries of the project site have been verif	1:	eport prepared by:
	For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Jnable to confirm the presence of waters in 33 CFR part 3  Headquarters declined to approve jurisdiction on the basis The Corps has made a case-specific determination that the  Jnited States:  Waste treatment systems, including treatment pond  Artificially irrigated areas, which would revert to up  Artificial lakes and ponds created by excavating and  retain water and which are used exclusively for such rice growing.  Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water  Water-filled depressions created in dry land inciden the purpose of obtaining fill, sand, or gravel unless a abandoned and the resulting body of water meets the 328.3(a).  Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natu Non-tidal drainage or irrigation ditches excavated or Other (explain):	of 33 CFR part 328.3(a)(3). following waters present on the site are so relagoons, pursuant to 33 CFR part pland if the irrigation ceased. d/or diking dry land to collect and he purposes as stock watering, irrigation all ornamental bodies of water created for primarily aesthetic reasons. tal to construction activity and pits excand until the construction or excavation and the definition of waters of the United States of the United States of the commerce.	ayated in dry land for a operation is stes found at 33 CFR
Environment Dat Cor U.S U.S U.S U.S USI Nat FEM 100 Aeri Othe Adv Site App	A Property of the application of	oplicant. ant. <u>November 2003</u> , prepared by Bayou	l Cajun ny):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: 14392(05)1944

PR	0	JE	CT	L	OC	A.	T	ľ	O	V	I	N	F	n	R	М	Δ	T	n	N	

State:

Texas

County:

Jefferson Center coordinates of site (latitude/longitude):

Lat: 29.46.11 Long: 93.54.35

Approximate size of area (parcel) reviewed, including uplands: 0.014 acres.

Name of nearest waterway: Sabine Lake Name of watershed: Sabine River

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3 March 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_ there appear to be (or) \_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

La	ateral E	Extent of Jurisdiction: (Reference: 33 CFR parts 32	01	30)	FILE NUMBER: 14392(05)1944
57 A	Ordi	nary High Water Mark indicated by:			
-		clear, natural line impressed on the bank		L L L	gh Tide Line indicated by:
		the presence of litter and debris	ľ	님	3 on or seam time atong still conjects
		changes in the character of soil	ŗ	片	fine shell or debris deposits (foreshore)
		destruction of terrestrial vegetation	Ļ	님	physical markings/characteristics
		shelving	, L	님	tidal gages
		other:	Ĺ	Ц	other:
· ·	_				
	Mean	High Water Mark indicated by:			
	∐ su	rvey to available datum; physical markings;	vegetatio	on	lines/changes in vegetation types.
	_				
	,	and boundaries, as shown on the attached wetland de	lineation	n m	nap and/or in a delineation report prepared by:
Bas	sis For	Not Asserting Jurisdiction:			
	The re	eviewed area consists entirely of uplands			
	Unabl	e to confirm the presence of waters in 33 CFR part	328(a)(1	2	or 4-7)
	Ticauq	tualities declined to approve illrightetion on the bacic	Af 22 Ct	CD	9 mart 200 2/-1/21
	THE C	orps has made a case-specific determination that the	following	nσ	Waters present on the gite are mot Waters. Cut
	United				
		Waste treatment systems, including treatment pone	is or lago	nor	ins nursuant to 22 CED most 200 2
		military irrigated areas, which would revert to i	ınland if i	th	ne irrigation asserd
		Authoral takes and points created by excavating at	ıd/or diki	ina	a day land to collect and
		retain water and which are used exclusively for sucrice growing	ch nurnos	200	s as stock watering imigation and in the
	_	B. O. III B.			
		Artificial reflecting or swimming pools or other sn	all ornan	me	ental hodies of water areas.
		by excavaling and/or diking dry land to retain water	r for prin	mai	prily pagehatia managa
		water-inted depressions created in dry land incide	ntal to co	me	struction activity and miss assessed 1.1. 1. 1. 1.
		the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).			
	_				
		Isolated, intrastate wetland with no nexus to interst	ate comm	ner	тсе.
		Prior converted cropland, as determined by the Nat	ural Reso	our	rces Conservation Service. Explain rationale
	Ħ	Non-tidal drainage or irrigation ditches excavated of Other (explain):	n dry lan	ıd.	. Explain rationale:
	_	control (explain).			
DATA R	EVIEW	VED FOR JURSIDICTIONAL DETERMINATION	ON (mar	rk :	all that anniv).
- 100	waps, L	rialis, plots of plat submitted by or on behalf of the a	nnlicant		same apply).
	Data sn	eets prepared/submitted by or on behalf of the application	cant.		
	∐ Ihi	s office concurs with the delineation report, dated	nre	epa	ared by (company):
	∐ Ihi	s office does not concur with the delineation report	dated	Τ	, prepared by (company):
	Data she	eets prepared by the Corps.			, propuled by (company).
1000	Corps' 1	navigable waters' studies:			
	U.S. Ge	ological Survey Hydrologic Atlas:			
23 U	U.S. Ge	ological Survey 7.5 Minute Topographic maps:			
100	U.S. Ge	ological Survey 7.5 Minute Historic quadrangles.			
<b>1</b> 1	U.S. Ge	ological Survey 15 Minute Historic quadrangles			
	usda n	Natural Resources Conservation Service Soil Survey	:		
1 55	National	wetlands inventory maps:			
S	State/Lo	cal wetland inventory maps:			
F	FEMA/F	FIRM maps (Map Name & Date):			
1	l 00-year	Floodplain Elevation is: (NGVD)			
A	Aerial Pl	hotographs (Name & Date):			
	Other ph	otographs (Date):			
A	Advance	ed Identification Wetland maps:			
S	Site visit	determination conducted on:			
A	Applicab	ple/supporting case law:			
C	Other inf	formation (please specify):			

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23702

PROJECT LOCATION INFORMATION:
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State:

Texas

Harris

County: Center coordinates of site (latitude/longitude):

Lat: 29.46.45 Long: 95.06.07

Approximate size of area (parcel) reviewed, including uplands: 0.26 acres.

Name of nearest waterway: Old River Name of watershed: San Jacinto River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 3 March 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

2 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) **FILE NUMBER: 23702** Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23692

<b>PROJECT</b>	<b>LOCATION</b>	INFORMATION
State:	TX	

County: Montgomery

Center coordinates of site (latitude/longitude):

UTM: NAD 27: Zone 15; Easting: 260470; Northing: 3353540.

Approximate size of area (parcel) reviewed, including uplands: 14.54 acres.

Name of nearest waterway: San Jacinto River Name of watershed: West Fork San Jacinto

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

**%** 

Date: 3/3/05 Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	Lateral	Extent of Jurisdiction: (Reference: 33 CF	R parts 328 and	329) FILE NUMBER: 23692
		dinary High Water Mark indicated by: clear, natural line impressed on the bank	223	High Tide Line indicated by:
		the presence of litter and debris		oil or scum line along shore objects
	님	changes in the character of soil		fine shell or debris deposits (foreshore) physical markings/characteristics
	片	destruction of terrestrial vegetation shelving		tidal gages
		other:		other:
	Mes	on High Woten Mark 1		
		an High Water Mark indicated by: survey to available datum;   physical man	rkings: 🗍 vacata	Atom No. 7 1
	Wet	land hour decises t	kings, 🗀 vegeta	non lines/changes in vegetation types.
	TC8	tand boundaries, as shown on the attached selections.	wetland delineation	on map and/or in a delineation report prepared by:
	Basis For	r Not Asserting Jurisdiction:		
	Unai	reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 (	CFR part 200(a)(	1.2 4.5
	Ine Unit	Corps has made a case-specific determination of States:	on that the follow	CFR part 328.3(a)(3).  ring waters present on the site are not Waters of the
		Waste treatment systems, including treat	mant manda t	and the state of the
		Waste treatment systems, including treat Artificially irrigated areas, which would Artificial lakes and ponds created by	revert to unland i	goons, pursuant to 33 CFR part 328.3.
• • •		rice growing.	ely for such purpe	king dry land to collect and oses as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools of	r Other small a	
	U			
		abandoned and the resulting body of water	vel unless and unit or meets the defin	construction activity and pits excavated in dry land for til the construction or excavation operation is ition of waters of the United States found at 33 CFR
		328.3(a).		interest of the Officer States found at 33 CFR
		Isolated, intrastate wetland with no nexus Prior converted cropland, as determined by	to interstate com	merce. sources Conservation Service. Explain rationale:
		Non-tidel desired	y uic ivaturar Res	sources Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches ex Other (explain):	cavated on dry la	nd. Explain rationale:
DAT <u>A</u>	REVIE	WED FOR JURSIDICTIONAL DETERMINED	MINATION (ma	Sub-all Alica Control
X.				rk all that apply); t.
	uu 5/	acces propared/sublificed by or on hehalf of	the applicant	•• •
	Th	tis office concurs with the delineation report is office does not concur with the delineation	t, dated , pr	repared by (company): TC&B
<u></u>	Data St	icels prepared by the Corns	on report, dated	, prepared by (company):
	Corps'	navigable waters' studies:		
<u>~</u>	U.S. G	eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic m		
	U.S. G	cological Survey 7.5 Minute Historic quadra	angles.	
	U.S. Ut	cological Survey 15 Minute Historic quadra	nalas:	
20.00 (10.00)	USDA	Natural Resources Conservation Service So	il Survey:	
	State/Le	al wetlands inventory maps: ocal wetland inventory maps:		
<u> </u>	FEMA/	FIRM maps (Map Name & Date)		
	100-yea	r Floodplain Elevation is: (NGVD)		
	Other of	Photographs (Name & Date):		
2000 2000 2000 2000	Advance	ed Identification Wetland maps:		
Ageor. 500 ps.	Site visi	t/determination conducted on:		
	Applical	ble/supporting case law:		
	Other in	formation (please specify):		

Comment.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 19398(01)

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Lat: 29.32.29 Long: 95.00.59

Approximate size of area (parcel) reviewed, including uplands: 0.021 acres.

Name of nearest waterway: Galveston Bay Galveston Bay Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 3 March 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 32	0 4 220	FILE NUMBER: 19398(01)
	Ord	linary High Water Mark indicated by:		
	n	clear, natural line impressed on the bank	Hig	h Tide Line indicated by:
	H	the presence of little and 1.1.	<u></u>	oil or scum line along shore objects
	H	the presence of litter and debris	ليا	fine shell or debris deposits (foreshore)
	님	changes in the character of soil		physical markings/characteristics
	님	destruction of terrestrial vegetation		tidal gages
	닏	shelving		other:
	Ц	other:	_	
	L s	n High Water Mark indicated by: Survey to available datum;  physical markings;		
ı	Wet	land boundaries, as shown on the attached wetland de	lineation n	nap and/or in a delineation report prepared by:
	The I Unab Head The C Unite	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 3 lquarters declined to approve jurisdiction on the basis Corps has made a case-specific determination that the ed States:  Waste treatment systems, including treatment ponce Artificially irrigated areas, which would revert to use Artificial lakes and ponds created by excavating an retain water and which are used exclusively for suc rice growing.  Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain wate Water-filled depressions created in dry land incider the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets th 328.3(a). Isolated, intrastate wetland with no nexus to intersta	of 33 CFR following ls or lagoor pland if the d/or diking h purposes all orname r for prima attal to constand until the definition attended.	part 328.3(a)(3). waters present on the site are not Waters of the as, pursuant to 33 CFR part 328.3. e irrigation ceased. d dry land to collect and as stock watering, irrigation, settling basins, or intal bodies of water created rily aesthetic reasons. truction activity and pits excavated in dry land for ne construction or excavation operation is n of waters of the United States found at 33 CFR
		Prior converted cropland, as determined by the Nati	ıral Resour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated o Other (explain):	n dry land.	Explain rationale:
	Data sl Th Data sl Corps' U.S. G U.S. G U.S. G U.S. G USDA Nationa State/L FEMA/ 100-yea Aerial I Other p	wed for Jursidictional determination plans, plots or plat submitted by or on behalf of the a heets prepared/submitted by or on behalf of the application office concurs with the delineation report, dated his office does not concur with the delineation report, heets prepared by the Corps.  navigable waters' studies: eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic maps: eological Survey 7.5 Minute Historic quadrangles: eological Survey 15 Minute Historic quadrangles: Natural Resources Conservation Service Soil Survey: al wetlands inventory maps: ocal wetland inventory maps: (FIRM maps (Map Name & Date): ar Floodplain Elevation is: (NGVD) Photographs (Name & Date): hotographs (Date):	pplicant. eant. , prepa dated	all that apply): red by (company): , prepared by (company):
	Advanc	ed Identification Wetland mans:		
	Site visi	it/determination conducted on:		
100 m	Applica	able/supporting case law:	I	
	Other in	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-14-005** 

DD	a	TEC	TI	OCA	TION	INFODE	MATION:
ГΝ	<b>.</b> ,			AM.A		INTUR	MAILUNY:

State:

Tx

County:

Harris

Center coordinates of site (latitude/longitude):

UTM NAD 27: Zone 15; Easting: 249222; Northing: 3318524

Approximate size of area (parcel) reviewed, including uplands: 0.14 acres.

Name of nearest waterway: San Jacinto River Name of watershed: West Fork San Jacinto

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3/2/05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\$ there appear to be (or) \( \square\$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.14.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 3	FILE NUMBER: swg-05-14-005
37	Ordinary High Water Mark indicated by:	28 and 329)
	clear, natural line impressed on the bank	High Tide Line indicated by:
	the presence of litter and debris	oil or scum line along shore objects
	changes in the character of soil	fine shell or debris deposits (foreshore)
	destruction of terrestrial vegetation	☐ physical markings/characteristics☐ tidal gages
	shelving	other:
	other:	U outer.
###		
	Mean High Water Mark indicated by:	
	⊠ survey to available datum; ☐ physical markings; ☐	] vegetation lines/changes in vegetation types.
<b>3</b>		delineation map and/or in a delineation report prepared by:
Bas	sis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands	
	Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2, or 4-7)
	readquarters declined to approve jurisdiction on the bas	is of 22 CED mark 220 2(1)(2)
	The Corps has made a case-specific determination that the	ne following waters present on the site are not Waters of the
	Waste treatment systems, including treatment por	ids or lagoons, pursuant to 33 CFR part 328.3.
	- Additionally infigured areas, whileh would revert to	liniand if the immedian account
	Authoration and points created by excavating a	and/or diking day land to sellent out
	retain water and which are used exclusively for si	arch purposes as stock watering, irrigation, settling basins, or
•		mall ornamental bodies of water created
-	by excavating and/or diking dry land to retain wa Water-filled depressions created in dry land incid	er for primarily aesthetic reasons.
		ental to construction activity and pits excavated in dry land for
	abandoned and the resulting body of water meets 328.3(a).	is and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR
	Isolated, intrastate wetland with no nexus to inters	
		state commerce.  atural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry land. Explain rationale:
	Other (explain):	•
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINAT	ION (mark all that apply):
/ 100m/n	iviaps, plais, plots or plat submitted by or on behalf of the	annlicant
1	Data sneets prepared/submitted by or on behalf of the appli	icant.
	This office concurs with the delineation report, dated	, prepared by (company):
	This office does not concur with the delineation repor	t, dated , prepared by (company):
	Data sheets prepared by the Corps. Corps' navigable waters' studies:	• • • •
800 1	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographic maps:	
T T	U.S. Geological Survey 7.5 Minute Topographic maps:	
Į 🛍 Į	U.S. Geological Survey 15 Minute Historic quadrangles:	
J U	USDA Natural Resources Conservation Service Soil Surve	
N	National wetlands inventory maps:	y.
S	State/Local wetland inventory mans:	
F	FEMA/FIRM maps (Map Name & Date):	
1	00-year Floodplain Elevation is: (NGVD)	
A	Aerial Photographs (Name & Date):	
C	Other photographs (Date):	
A	Advanced Identification Wetland maps:	
S	site visit/determination conducted on:	
A	Applicable/supporting case law:	
<b>M</b> O	Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-17013

PRO	JECT	LOCA	TION	INFORM	AATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

Lat: 29.39.31 Long: 95.00.27

Approximate size of area (parcel) reviewed, including uplands: 0.28 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2 March 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

]	Lateral	Extent of Jurisdiction: (Reference: 33 CFR p		FILE NUMBER: D-17013
	Ord	linary High Water Mark indicated by:	parts 328 and 32	9) Bob Tido Line in the control
		clear, natural line impressed on the bank		ligh Tide Line indicated by:  oil or scum line along shore objects
		the presence of litter and debris		fine shell or debris deposits (foreshore)
	님	changes in the character of soil		physical markings/characteristics
	님	destruction of terrestrial vegetation	[	tidal gages
	님	shelving other:	[	other:
		other.		
	Mea	n High Water Mark indicated by:		
	☐ s	survey to available datum; 🔲 physical marking	igs; 🗌 vegetati	on lines/changes in vegetation types
E				
-		o o and an east of the attached wet	iand defineation	map and/or in a delineation report prepared by:
В	asis For	Not Asserting Jurisdiction:		
	Unab	reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CF	D nort 229/a)/1	2 4.7
(C)	пеац	equarters declined to approve jurisdiction on the	ne basis of 33 Cl	FP nort 200 2(a)(2)
i i	1116	corps has made a case-specific determination	that the following	ng waters present on the site are not Waters of the
		- States.		
	님	Waste treatment systems, including treatme	ent ponds or lago	oons, pursuant to 33 CFR part 328.3.
	H	Authorally inigated areas, which would rev	ert to unland if	the irrigation ceased
		Artificial lakes and ponds created by excava	ating and/or dik	ing dry land to collect and
		rice growing.	for such purpos	ses as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or o	ther small ornar	nental hadies of water created
		by excavating and/or diking dry land to reta	in water for prin	narily aesthetic reasons
		water-lined depressions created in dry land	incidental to co	nstruction activity and nite executed in Jun 1 1 c
		are purpose of obtaining fift, said, or gravet	unless and linti	the construction or exposed on an analysis :
		328.3(a).	neets the definit	ion of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to	interstate comm	nerce
		Prior converted cropland, as determined by t	the Natural Reso	ources Conservation Service. Explain rationale:
	П			
		Non-tidal drainage or irrigation ditches exca Other (explain):	vated on dry lar	d. Explain rationale:
DATA	REVIES	WED FOR HIDSIDICTIONAL DETERMINE	ON A PRIVATE A	
2	Maps,	WED FOR JURSIDICTIONAL DETERMI plans, plots or plat submitted by or on behalf	NATION (mai	k all that apply):
	Data s	heets prepared/submitted by or on behalf of the	e annlicant	
	11	is office concurs with the delineation report of	lated nre	epared by (company):
	II	his office does not concur with the delineation	report, dated	, prepared by (company):
	Data si	heets prepared by the Corps.	•	, respect of (company).
	Corps	navigable waters' studies:		
	U.S. G	eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic map		
277	U.S. G	eological Survey 7.5 Minute Topographic map	os:	
200	U.S. G	eological Survey 15 Minute Historic quadrang	gies:	
5.0	USDA	Natural Resources Conservation Service Soil	Survev	
anne	Nationa	al wetlands inventory maps:	ourvey.	
	State/L	ocal wetland inventory maps:		
30.25	remai	/FIRM maps (Map Name & Date):		
	Aerial I	ar Floodplain Elevation is: (NGVD) Photographs (Name & Date):		
- 200,6	Other n	hotographs (Name & Date):		
garag.	Advanc	ed Identification Wetland maps:		
	Site vis	it/determination conducted on:		
A. 12	Applica	able/supporting case law:		
	Other in	nformation (please specify): site photographs		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-05-27-001

PROJECT	LOCATION	INFORMA	TION.

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29.39.31 Long: 95.00.27

Approximate size of area (parcel) reviewed, including uplands: 0.28 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 1 March 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

2 FILE NUMBER: SWG-05-27-001 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): site photographs

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER: 19589(03)** 

#### PROJECT LOCATION INFORMATION:

State:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

Lat: 29.44.26 Long: 95.12.19

Approximate size of area (parcel) reviewed, including uplands: 0.137 acres.

Name of nearest waterway: Houston Ship Channel

Name of watershed: Bullfao Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 1 March 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_ there appear to be (or) \_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

т.	I shoul Put. 4 CT 1 11 4 (D.C. and D.C.	<b>FILE NUMBER:</b> 19589(03)
	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation	Tide Line indicated by: bil or scum line along shore objects fine shell or debris deposits (foreshore) bhysical markings/characteristics idal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation line	nes/changes in vegetation types.
23	Wetland boundaries, as shown on the attached wetland delineation map	p and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, o) Headquarters declined to approve jurisdiction on the basis of 33 CFR p The Corps has made a case-specific determination that the following w United States:  Waste treatment systems, including treatment ponds or lagoons. Artificially irrigated areas, which would revert to upland if the i Artificial lakes and ponds created by excavating and/or diking of retain water and which are used exclusively for such purposes a rice growing. Artificial reflecting or swimming pools or other small ornament by excavating and/or diking dry land to retain water for primaril Water-filled depressions created in dry land incidental to construct the purpose of obtaining fill, sand, or gravel unless and until the abandoned and the resulting body of water meets the definition of 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resource.	art 328.3(a)(3). Atters present on the site are not Waters of the pursuant to 33 CFR part 328.3. Arrigation ceased. Ary land to collect and stock watering, irrigation, settling basins, or all bodies of water created by aesthetic reasons. Auction activity and pits excavated in dry land for construction or excavation operation is of waters of the United States found at 33 CFR e.
	Non-tidal drainage or irrigation ditches excavated on dry land. Other (explain):	Explain rationale:
DATA R	☐ This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps:	Il that apply):  ed by (company): , prepared by (company):
	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG	ì
FILE NUMBER: D-17044	

State: Tex County: H Center co Approxim Name of r	Iarris ordinates of site ate size of area	(latitude/longitud (parcel) reviewed, y: Carpenters Bayo	includin	6' 22"N, 95° 09' 28"W (NAD27) ng uplands: <u>0.5</u> acres.
	ONAL DETER d: Desktop de Site visit(s)	etermination	Z I	Date: 28 February 2005 Date(s):
Jurisdicti	onal Determina	ation (JD):		
Unite	minary JD - Bas d States" and/or erence 33 CFR p	r "navigable water	formations of the U	n, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	oved JD – An apk all that apply:	pproved JD is an a	ppealable	e action (Reference 33 CFR part 331).
the re	nere are "naviga viewed area. A	able waters of the opproximate size of	United St f jurisdict	tates" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
TV review	were are "waters wed area. Appro	s of the United Star oximate size of jur	tes" (as o	defined by 33 CFR part 328 and associated guidance) within the nal area:
<b>■</b> Th	D D	ed, non-navigable, Decision supported urisdiction.	intra-sta by SWA	ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A. Wate The pr	rs defined under resence of water	rs that are subject t	29 as "na to the ebb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
(1) The interst (2) The (3) The sandfl destru (i) (i) (i) (4) Im (5) The (6) The (6) The interst (1) (1) (2) (3) (4) (4) (5) (6) The (6) The interst (1) (2) (4) (5) The (6) The interst (1) (5) The (6) The interst (1) (2) (3) (4) Im (6) The interst (1) (4) Im (6) The (6) The interst (1) (4) Im (6) The interst (1) (4) The interst (1) (6) (6) (6) (6) (6) (6) (6) (6) (6) (6	te presence of water or foreign case presence of interpresence of orats, wetlands, slection of which are or case i) from which fii) which are or poundments of e presence of a e presence of te	vaters, which are commerce, including terstate waters income ther waters such as loughs, prairie potherould affect interst could be used by in ish or shellfish are could be used for waters otherwise of tributary to a water rritorial seas.	urrently using all water all all all all all all all all all al	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands. It to lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. It swaters of the US. It is in the swaters of the US, except for those wetlands adjacent to other wetlands.
		Invisdictional De		·

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). There is no fill placed below the ordinary high water mark of Carpenters Bayou.

	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans.  D-17044 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
B	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17.5 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16997

DD	A	IE/T	` I C	TIA	NI IN	<b>EAD</b>	\/T A '	TION:

State:

Texas

County:

Jasper

Lat: 30.16.35 Long: 94.02.16

Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 0.01 acres.

Name of nearest waterway: Tenmile Creek Name of watershed: Lower Neches

Site visit(s)

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 28 February 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
  - (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-16997

	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
87	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	Inable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Atlantar Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 23640** 

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rк	<b>( ).]</b> [	<b>.</b>	1.4	Л.,	4		v.	ľ	117		U.	ĸ	VI.	А	110.	/ N :	

State:

Texas

County:

Orange

Center coordinates of site (latitude/longitude):

Lat: 30.04.44 Long: 94.03.51

Approximate size of area (parcel) reviewed, including uplands: 0.05 acres.

Name of nearest waterway: Neches Name of watershed: Neches

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 7 Feb 05

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23640

La	teral ]	Extent of Jurisdiction: (Reference: 33 CFR parts 32	28 and 3	329)	1 122 WOMBER. 250
1.80	Ord	inary High Water Mark indicated by:			h Tide Line indicated by:
		clear, natural line impressed on the bank	-	Гĭ	oil or scum line along shore objects
		the presence of litter and debris		Ħ	fine shell or debris deposits (foreshore)
		changes in the character of soil		Ħ	physical markings/characteristics
		destruction of terrestrial vegetation		H	tidal gages
		shelving		H	other:
		other:		ш	outer.
<b>E</b>	Mea	n High Water Mark indicated by:			n
		urvey to available datum; physical markings;	j vegeta	tion	lines/changes in vegetation types.
	Wetl	and boundaries, as shown on the attached wetland de	lelineatio	on m	ap and/or in a delineation report prepared by:
Bas	sis For	Not Asserting Jurisdiction:			
CC 2 Monary or may	I ne i	reviewed area consists entirely of uplands.			
in the second	Unao	ele to confirm the presence of waters in 33 CFR part	328(a)(	1, 2,	or 4-7).
0.55 1370	Head	quarters declined to approve jurisdiction on the basis	s of 33 (	CFR	part 328.3(a)(3).
23	i ne c	Corps has made a case-specific determination that the cd States:	e follow	ing '	waters present on the site are not Waters of the
		Waste treatment systems, including treatment pon			
		Artificially irrigated areas, which would revert to	unland i	goon if the	is, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating a	nd/or di	kina	r dry land to collect and
		retain water and which are used exclusively for su	ich nurn	USES	as stock watering irrigation souling bearing
		rice growing.			
		Artificial reflecting or swimming pools or other sn	mall orn	amei	ntal bodies of water created
		by excavating and/or diking dry land to retain water	er for n	rimar	rily aesthetic reasons
		water-filled depressions created in dry land incide	ental to o	const	friction activity and nite executed in declared so
		abandoned and the resulting body of water meets to	s and un	itil th	le construction or exequation anamatics:
		328.3(a). Isolated, intrastate wetland with no nexus to interst			
		Prior converted cropland, as determined by the Nat	itate con	mer	CC.
	_				
		Non-tidal drainage or irrigation ditches excavated of Other (explain):	on dry l	and.	Explain rationale:
DATA R	EVIE	WED FOR JURSIDICTIONAL DETERMINATI	ION (m	ark :	all that apply).
<i></i>	ıvıaps,	plans, plots or plat submitted by or on behalf of the	applicar	at.	an that apply).
	Data s	heets prepared/submitted by or on behalf of the appli	icant.		
	U Tì	his office concurs with the delineation report, dated	r	repa	ared by (company):
No.	∐ Tì	nis office does not concur with the delineation report.	t, dated		prepared by (company):
	Data S	neets prepared by the Corps.			yp-spanou of (company).
	Corps'	navigable waters' studies:			
	U.S. G	eological Survey Hydrologic Atlas:			
2	U.S. G	eological Survey 7.5 Minute Topographic maps:			
	U.S. G	eological Survey 7.5 Minute Historic quadrangles:			
	U.S. G	eological Survey 15 Minute Historic quadrangles:			
[ ]	USDA	Natural Resources Conservation Service Soil Survey	v:		
2000	Nation	al wetlands inventory maps:	•		
	State/L	ocal wetland inventory maps:			
	FEMA	/FIRM maps (Map Name & Date):			
	100-ye	ar Floodplain Elevation is: (NGVD)			
	Aerial ]	Photographs (Name & Date):			
	Other p	photographs (Date):			
	Advanc	ced Identification Wetland maps:			
	oite vis	it/determination conducted on:			
	Applica	able/supporting case law:			
	Jiner 11	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: 23673** 

PR	O.	IEC	TI	OCA.	TION	INFORM	MATION:

State:

TX

County: Galveston

Center coordinates of site (latitude/longitude):

UTM 15 301386E 3270529N (NAD27)

Approximate size of area (parcel) reviewed, including uplands: 0.32 acres.

Name of nearest waterway: Clear Lake

Name of watershed: Clear Creek/Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2/28/05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23673

I.at	erol F	Extent of Jurisdiction: (Reference: 33 CFR parts 32	. 12	•••	TILL NUMBER: 230
	Ondi	name High Water Mark 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
	Ciui	nary High Water Mark indicated by:		High	Tide Line indicated by:
	Ц	clear, natural line impressed on the bank			oil or scum line along shore objects
	$\sqcup$	the presence of litter and debris		$\Box$	fine shell or debris deposits (foreshore)
		changes in the character of soil		$\boxtimes$	physical markings/characteristics
	П	destruction of terrestrial vegetation			
		shelving		$\boxtimes$	tidal gages
				$\sqcup$	other:
	Ш	other:			
	☐ su	High Water Mark indicated by:  arvey to available datum;  physical markings;			· -
	Wetla	and boundaries, as shown on the attached wetland de	elineatio	n m	ap and/or in a delineation report prepared by:
	The re Unabl Heado The C	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 3 quarters declined to approve jurisdiction on the basis Corps has made a case-specific determination that the d States:  Waste treatment systems, including treatment pond Artificially irrigated areas, which would revert to u Artificial lakes and ponds created by excavating ar	s of 33 ( e follow ds or lag upland i	CFR ing ving vingon	part 328.3(a)(3). waters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. irrigation ceased. dry land to collect and
	_	retain water and which are used exclusively for sucrice growing.			
İ		Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water	nall orna	amer	ntal bodies of water created
		Water-filled depressions created in declared in side	or for pr	ımar	Try aesthetic reasons.
'	<b>U</b>	Water-filled depressions created in dry land incided the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).	and un	til th	e construction or excavation operation is
. [		Isolated, intrastate wetland with no nexus to interst	ate com	mer	Ce.
į		Prior converted cropland, as determined by the Nat	tural Re	sour	ces Conservation Service. Explain rationale:
ſ	$\Box$	Non-tidal drainage or irrigation ditches excavated of			
Ì		Other (explain):	on dry la	anu.	Explain fationale:
	Data sh Th Th Data sh Corps' J.S. Ge J.S. Ge J.S. Ge	veels for Jursidictional determination plans, plots or plat submitted by or on behalf of the applians, plots or plat submitted by or on behalf of the appliance of the concurs with the delineation report, dated is office does not concur with the delineation report, neets prepared by the Corps. navigable waters' studies: eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic maps: eological Survey 7.5 Minute Historic quadrangles: eological Survey 15 Minute Historic quadrangles:	applican icant. , p , dated	ıt.	all that apply): red by (company): , prepared by (company):
10 2 A 3 O 3 A 3 Si 3 A	lationa tate/Lo EMA/ 00-yea erial F ther pl dvance ite visi pplica	Natural Resources Conservation Service Soil Survey wetlands inventory maps: ocal wetland inventory maps: FIRM maps (Map Name & Date): or Floodplain Elevation is: (NGVD) Photographs (Name & Date): hotographs (Date): ed Identification Wetland maps: it/determination conducted on: ble/supporting case law: offormation (please specify):	y:		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER: 23674** 

#### PROJECT LOCATION INFORMATION:

State:

TX

County: Polk

Center coordinates of site (latitude/longitude):

UTM 15, 299963 E, 3403272N

Approximate size of area (parcel) reviewed, including uplands: 0.05 acres.

Name of nearest waterway: Lake Livingston

Name of watershed: **Trinity** 

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2/28/05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23674

I	ateral l	Extent of Jurisdiction: (Reference: 33 CFR parts 3	228 and 2	20)	FILE NUMBER: 230
	Ord	inary High Water Mark indicated by:			TOTAL VILLA OF THE STATE OF THE
		clear natural line immercial and the		High	Tide Line indicated by:
	H	clear, natural line impressed on the bank		Ц	oil or scum line along shore objects
	닏	the presence of litter and debris			fine shell or debris deposits (foreshore)
	$\sqcup$	changes in the character of soil		$\Box$	physical markings/characteristics
		destruction of terrestrial vegetation		一	tidal gages
		shelving		H	
	Ħ	other:		Ш	other:
		onici.			
150	<b>7</b> )/	TILL W. A.			
4	Mean	n High Water Mark indicated by:			•
	⊠ si	urvey to available datum;  physical markings;	] vegetat	ion l	lines/changes in vegetation types
****					• •
Į.	Wetl	and boundaries, as shown on the attached wetland of	delineatio	n m	ap and/or in a delineation report prepared by:
					r services and report prepared by.
B	asis For	Not Asserting Jurisdiction:			
20	Ther	reviewed area consists entirely of uplands.			
	Unah	le to confirm the presence of waters in 22 CED	. 2007 \	_	
	Uand	ble to confirm the presence of waters in 33 CFR part	t 328(a)(1	, 2,	or 4-7).
3	TICAU	quarters declined to approve jurisdiction on the bas	is of 33 C	CFR	part 328.3(a)(3).
45.		Corps has made a case-specific determination that the	he follow	ing v	waters present on the site are not Waters of the
	Unite	ed States:		·	The same and more waters of the
		Waste treatment systems, including treatment por	nds or lac	mon	S pursuent to 22 CED mant 220 2
	П	Artificially irrigated areas, which would revert to	ilus or lag	50011	s, pursuant to 33 CFR part 328.3.
		Artificial lakes and nonderested the	upiana i	i tne	irrigation ceased.
		Artificial lakes and ponds created by excavating	and/or dil	king	dry land to collect and
		retain water and which are used exclusively for si	uch purpo	oses	as stock watering, irrigation, settling basins or
		nce growing.			
		Artificial reflecting or swimming pools or other s	mall oma	mer	Ital hodies of water arouted
		by excavating and/or diking dry land to retain wa	tar for me	i	ital bodies of water created
		Water-filled depressions arouted in day land in it	ner for pri	ımar	ily aesthetic reasons.
	L	Water-filled depressions created in dry land incid	lental to c	onst	ruction activity and pits excavated in dry land for
		the purpose of obtaining fill, saild, or gravel unless	ss and uni	tıl th	le construction or excavation operation is
		abandoned and the resulting body of water meets	the defin	ition	of waters of the United States found at 33 CEP
		328.3(a).			of waters of the Chited States found at 33 CFR
		Isolated, intrastate wetland with no nexus to inter-	state com	mar	00
	$\sqcap$	Prior converted cronland as determined by the No	oturol Do	11161	oc.
		Prior converted cropland, as determined by the Na	aturai Kes	soure	ces Conservation Service. Explain rationale:
		Non-tidal drainage or imication distance to			
	H	Non-tidal drainage or irrigation ditches excavated	on dry la	ınd.	Explain rationale:
		Other (explain):			
DATA 1	REVIEV	WED FOR JURSIDICTIONAL DETERMINAT	ION (mg	rk e	all that apply).
M	Maps.	plans, plots or plat submitted by or on behalf of the	annlicon		in that apply).
	Data sl	heets prepared/submitted by or on behalf of the app	applicali	ι.	
*****	□ Th	vis office compared with the delication of the app			
		nis office concurs with the delineation report, dated	, <b>p</b> i	repa	red by (company):
*******	L In	nis office does not concur with the delineation repor	rt, dated		, prepared by (company):
	Data sl	heets prepared by the Corps.	-		71 There is (company).
27	Corps'	navigable waters' studies:			
	U.S. G	eological Survey Hydrologic Atlas:			
37	IIS G	eological Survey 7.5 Minute Topographic maps:			
	110.0	cological Survey 7.3 Minute Topographic maps:			
65 v. 2 ************************************	U.S. G	eological Survey 7.5 Minute Historic quadrangles:			
84460 24000	U.S. G	eological Survey 15 Minute Historic quadrangles:			
	USDA	Natural Resources Conservation Service Soil Surve	ev·		
	Nationa	al wetlands inventory maps:	٠,٠		
7.77	State/I	ocal wetland inventory maps:			
and the second s	FENAN	FIDM mans (Man Name 9 15 )			
Singeror .	100	/FIRM maps (Map Name & Date):			
		ar Floodplain Elevation is: (NGVD)			
	Aerial I	Photographs (Name & Date):			
	Other p	hotographs (Date):			
270	Advanc	ced Identification Wetland maps:			
77	Site vis	it/determination conducted on:			
30		able/supporting case law:			
	Uth:	of competing case law:			
633	Omer if	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: D-16617

DD	n	TE	CT	T	$\alpha$	~	TT	ONT	TATI	$\mathbf{r}$	DA	Æ A	TIO	NT.
РΚ	u	MH,	C I	п.	C H	LΙA	VIII.	UN.	IN	K()	KN	ЛΑ	1 16 7	v:

State: Texas
County: Galveston

Center coordinates of site (latitude/longitude): 29 24' 48" N, 94 54' 42" W Approximate size of area (parcel) reviewed, including uplands: 71 acres.

Name of nearest waterway: Texas City Rainwater Canal

Name of watershed: West Galveston Bay

T	r m	CD	CTTONIA	т	DETED	NATES A TELES
ш	UK.	ISDI	KTIONA	ч.	DETER	MINATION

Completed: Desktop determination Date:
Site visit(s) Date(s): 23 February 2005

## Jurisdictional Determination (JD):

1	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
U	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veg	getation lines/changes in vegetation types.
酊	Wetland boundaries, as shown on the attached wetland deline	eation map and/or in a delineation report prepared by:
Bas	Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the displacement of 328.3(a).  Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natural	33 CFR part 328.3(a)(3). Howing waters present on the site are not Waters of the ar lagoons, pursuant to 33 CFR part 328.3. Indigital of the irrigation ceased. In disting dry land to collect and purposes as stock watering, irrigation, settling basins, or cornamental bodies of water created or primarily aesthetic reasons. It to construction activity and pits excavated in dry land for duntil the construction or excavation operation is definition of waters of the United States found at 33 CFR commerce.
	☐ Non-tidal drainage or irrigation ditches excavated on d ☐ Other (explain):	ry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applican Data sheets prepared/submitted by or on behalf of the applican This office concurs with the delineation report, dated This office does not concur with the delineation report, da Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: Onational wetlands inventory maps: FEMA/FIRM maps (Map Name & Date): Glaveston County, Talono-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Texas General Land Office Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 23 February 2005 Applicable/supporting case law:	licant. t. , prepared by (company): ted , prepared by (company):  City, Texas Quadrangle  calveston County Soil Survey gle  dexas City 2 May 1983 e, 2002 Color Infrared, Upper Coast, Block 6
and east of	Other information (please specify): D-16162 Jurisdictional Del f the subject property	inication verification for the adjoining property north

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-16942

### PROJECT LOCATION INFORMATION:

State: Texas County: Galveston

Center coordinates of site (latitude/longitude):29 24' 13" N, 94 55' 26" W Approximate size of area (parcel) reviewed, including uplands: 15 acres.

Name of nearest waterway: Texas City Rain Water Canal

Name of watershed: West Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date:

Date(s): 23 February 2005

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
  - The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (2) The presence of interstate waters including interstate wettautus.
  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L S	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Į¥	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
B:	In the reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Other (explain):
DATA DE LA COMPANIA DEL COMPANIA DE LA COMPANIA DE LA COMPANIA DEL COMPANIA DE LA	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Texas City, Texas Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Delogical Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrang

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16670

PR	OJE	CTI	OCA	TION	INFOR	MATION	J.
T T/	CULI				HITCH		4 :

State:

Texas

County:

Galveston Center coordinates of site (latitude/longitude):

29 24' 54" N, 94 53' 37" W (NAD 27)

Approximate size of area (parcel) reviewed, including uplands: 0.31 acres.

Name of nearest waterway: Galveston Bay Name of watershed: West Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 28 February 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.31 acre.

Marcher are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.31 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No 

## BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands <sup>1</sup>.
    - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: All the waters identified in this determination are part of a lagoon which was formerly part of Galveston Bay, prior to the construction of the Texas City hurricane levee. One of the crossings is located within the lagoon, and two of the crossings are located within ditches, where the ordinary high water mark of the lagoon extends to and past the crossing locations.

La	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: water marks, barnacles  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1994 Texas City  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles: 1932 Texas City  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps: Texas City November 1979; Texas City Draft November 1992  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): Texas City 1995 DOQQ  Other photographs (Date): Site photographs submitted on 28 October 2004  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): CESWG File D-12162

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23676

PROJ	ECT LOCATION INFORMATION:
	ate: Texas
Co	ounty: Calhoun
Ce	enter coordinates of site (latitude/longitude): 28° 24′ 46″ N, 96° 28′ 35″W
A	oproximate size of area (parcel) reviewed, including uplands: 760 acres.
Na	ame of nearest waterway: Gulf Intracoastal Waterway
	me of watershed: Huc Code: 12100403, East San Antonio Bay
HIDIC	
	DICTIONAL DETERMINATION
C	Desktop determination Date: 02 March 2005 Site visit(s) Date(s):
	Site visit(s)  Date(s):
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the the there appear to be no "waters of the there appear to be no "waters of the there app
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 29.73 acres.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 62 acres.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
RACIC	OF JURISDICTIONAL DETERMINATION:
A.	Wotont defined under 22 CED (220 %
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
×	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
-	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
X	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
X	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
X	(5) The presence of a tributary to a water identified in (1) – (4) above.
	(6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands that exist on the 760 acre tract are contiguous with, and adjacent to the GIWW a navigable water of the US. Live Oak Bayou is a tributary contiguous with Matagorda Bay a navigable water of the US.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23676

Lat	reral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
П	Ordinary High Water Mark indicated by:  High Tide Line indicated by:
<b></b>	clear, natural line impressed on the bank
	the presence of litter and debris  fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation   tidal gages
	shelving other:
	other:
	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	,
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Dag	in Fou Not Accepting Touristics
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
Ħ	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
Ħ	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
limat.	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	Other (explain).
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
A	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
Ш	Corps' navigable waters' studies:
Ш	U.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps: Port O'Connor, Texas
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
且	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps: Port O'Connor, Texas
***********	State/Local wetland inventory maps:
В	FEMA/FIRM maps (Map Name & Date):
Н	100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):
	Other photographs (Date):
H	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
Ħ	Applicable/supporting case law:
Ħ	Other information (please specify):
******	· · · · · · · · · · · · · · · · · · ·

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<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23553

#### PROJECT LOCATION INFORMATION:

State: Texas
County: Matagorda

Center coordinates of site (latitude/longitude): 28° 45' 46" N, 96° 00' 05" W

Approximate size of area (parcel) reviewed, including uplands: 0.05 acres.

Name of nearest waterway: Colrado River

Name of watershed: Huc Code: 12100401, Central Matagorda Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 02 March 2005
Site visit(s) Date(s): 18 November 2003

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2180 square feet.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

Ш	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: This portion of the Colorado River is part of a federal navigation project, is a navigable water of the United States, and therefore is subject to our jurisdiction under Section 10 of the Rivers and Harbors Act.

**FILE NUMBER: 23553** 

La M	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other:  ☐ High Tide Line indicated by: ☐ oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Blessing SE Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Flistoric quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Histori

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<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 23657** 

PROJECT LOCATION INFORMATION	<b>PROJECT</b>	<b>LOCATION</b>	<b>INFORMATION:</b>
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State:

**Texas** 

County:

Jackson

Center coordinates of site (latitude/longitude):

UTM 14, 751583E, 3179386N

Approximate size of area (parcel) reviewed, including uplands: 0.02 acres.

Name of nearest waterway: Carancahua Bay Name of watershed: Carancahua Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 25 January 2005

Site visit(s)

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.02.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters including interstate wedlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent 2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Carancahua Bay is a navigable water of the U.S. subject to the daily tide

FILE NUMBER: 23657

Ls	iteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by:  High Tide Line indicated by:
Manua	
	T 1
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other: applicant's plans
	other:
	Moon High Water Mark in Process
	☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
3	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	sis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
لنا	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	_
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Guid (explain).
DATAI	DEVIEWED FOR HIDGIDICTIONAL DETERMINATION ( ) TO SEE THE SECOND S
DAIA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.
<u> </u>	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
П	This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
<u>200</u>	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps: Olivia quad
83	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date): 1995 DOQQ
	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law:
	Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** 

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F	IL	E	N	JM	BE	R:	SW	G-05-	03-0	01

PROJECT	'LOCATION	<b>INFORMATION:</b>
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State:

**TEXAS** 

County: CALHOUN, TEXAS

Center coordinates of site (latitude/longitude):

28°40.29' N, 96°39.84' W

Approximate size of area (parcel) reviewed, including uplands: 0.01 acres.

Name of nearest waterway: LAVACA BAY

Name of watershed: 12090402

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2-28-05 Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Y	otowal E	Sudand of T. C. C. C. C. C. C.	FILE NUMBER: SWG-05-03-001
	ateral E	Extent of Jurisdiction: (Reference: 33 CFR parts 328 a	and 329)
		nary High Water Mark indicated by: clear, natural line impressed on the bank	High Tide Line indicated by:
	H	the presence of litter and debris	oil or scum line along shore objects
	Ħ	changes in the character of soil	fine shell or debris deposits (foreshore)
	Ħ	destruction of terrestrial vegetation	physical markings/characteristics
		shelving	tidal gages
		other:	other: AS STATED BY APPLICANT
	_		
ă	Mean	High Water Mark indicated by:	
	☐ sı	urvey to available datum; physical markings; ve	egetation lines/changes in vegetation types.
	W Oth	and boundaries, as shown on the attached wetland delin	ineation map and/or in a delineation report prepared by:
В	asis For	Not Asserting Jurisdiction:	
	The re	eviewed area consists entirely of uplands.	
~	Unab	le to confirm the presence of waters in 33 CFR part 328	(9/a)/1 2 or 4.7)
2000 (1.02) (1.02)	Head	quarters declined to approve jurisdiction on the basis of	.0(a)(1, 2, 0f 4-7). of 22 CED most 220 2(-)(2)
	The C	Corps has made a case-specific determination that the fo	following waters present on the site are not Waters of the
	Unite	d States:	conowing waters present on the site are not waters of the
		Waste treatment systems, including treatment ponds	Or laggons nursuant to 32 CED nort 220 2
		Artificially irrigated areas, which would revert to upl	pland if the irrigation ceased
		Artificial lakes and ponds created by excavating and/	or diking dry land to collect and
		retain water and which are used exclusively for such	purposes as stock watering, irrigation, settling basins, or
•	_	nee growing.	
		Artificial reflecting or swimming pools or other small	ll ornamental bodies of water created
	_	by excavating and/or diking dry land to retain water for	for primarily aesthetic reasons
		water-filled depressions created in dry land incidenta	al to construction activity and nits excepted in declared for
		are purpose of obtaining fill, saild, or gravel linless an	Ind until the construction or executation apprehim in
		availabled and the resulting body of water meets the	e definition of waters of the United States found at 33 CFR
		320.3(u).	
		Isolated, intrastate wetland with no nexus to interstate	e commerce.
		Thor converted cropiand, as determined by the Natura	ral Resources Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on o	dry land Explain rationale:
		Other (explain):	any tanàna ampiana tanàna ao
DATAI	REVIEV	VEN FOR HIDSINICTIONAL DETERMINATION	<b>31</b> (
	Mans	WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the app	N (mark all that apply):
	Data sh	neets prepared/submitted by or on behalf of the applicar	pilcant.
-	☐ Th	is office concurs with the delineation report, dated	III.
	☐ Th	is office does not concur with the delineation report, da	
3:00 2:00	Data sh	neets prepared by the Corps.	ated , prepared by (company):
90 Vo.	Corps'	navigable waters' studies:	
	U.S. G	eological Survey Hydrologic Atlas:	
Ž	U.S. Ge	eological Survey 7.5 Minute Topographic maps: POINT	IT COMFORT TEXAS
<b>E</b>	U.S. G	cological Survey 7.5 Minute Historic quadrangles:	ond only in the local state of the state of
	U.S. Ge	cological Survey 15 Minute Historic quadrangles:	
ess oc	USDA	Natural Resources Conservation Service Soil Survey:	
ن. ا	Nationa	al wetlands inventory maps:	
,	State/Le	ocal wetland inventory maps:	
	rema/	FIRM maps (Map Name & Date):	
	100-yea	r Floodplain Elevation is: (NGVD)	
	Other -	Photographs (Name & Date):	
All the	Omer p	hotographs (Date):	
	Auvano	ed Identification Wetland maps:	
		t/determination conducted on:	
-Mary		ble/supporting case law:  oformation (please specify):	
-			



<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23619

PROJECT LOCATION INFORMATION	IN:
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State:

**TEXAS** 

County:

MATAGORDA

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 210001 E, 3171453 N

Approximate size of area (parcel) reviewed, including uplands: 0.16 acres.

Name of nearest waterway: COLORADO RIVER

12100401

Name of watershed:

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2-28-05

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_\_\_ there appear to be (or) \_\_\_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23619

L	Ordina   stent of Jurisdiction: (Reference of High Water Mark indicated clear, natural line impressed on the presence of litter and debrist changes in the character of soil destruction of terrestrial vegetathelving other:	the bank	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: AS STATED BY APPLICANT	
	sur		ysical markings;  vegeta	tion lines/changes in vegetation types. on map and/or in a delineation report prepared by:
Ba	asis For Manager In the Control In Inc.	Not Asserting Jurisdiction: viewed area consists entirely of to confirm the presence of wateres declined to approve juriorps has made a case-specific of States:  Waste treatment systems, incl. Artificially irrigated areas, wh. Artificial lakes and ponds createrin water and which are used rice growing.  Artificial reflecting or swimm by excavating and/or diking d. Water-filled depressions create the purpose of obtaining fill, s. abandoned and the resulting b. 328.3(a).  Isolated, intrastate wetland wi	f uplands.  ters in 33 CFR part 328(a)( soliction on the basis of 33 letermination that the follow uding treatment ponds or latich would revert to upland ated by excavating and/or ded exclusively for such purpling pools or other small orr ry land to retain water for pered in dry land incidental to and, or gravel unless and upody of water meets the defit	1, 2, or 4-7).  CFR part 328.3(a)(3).  ving waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3.  if the irrigation ceased.  iking dry land to collect and access as stock watering, irrigation, settling basins, or an amental bodies of water created rimarily aesthetic reasons.  construction activity and pits excavated in dry land for till the construction or excavation operation is antition of waters of the United States found at 33 CFR
		Non-tidal drainage or irrigatio Other (explain):	n ditches excavated on dry	land. Explain rationale:
DATA I	Maps, p Data she Thi Thi Data she Corps' I U.S. Ge U.S. Ge U.S. Ge U.S. Ge USDA N National State/Lo FEMA/I 100-year Aerial P Other ph Advance Site visit Applicat	eets prepared by the Corps. navigable waters' studies: ological Survey Hydrologic Ai ological Survey 7.5 Minute To ological Survey 7.5 Minute Hi ological Survey 15 Minute His Natural Resources Conservatio I wetlands inventory maps: ocal wetland inventory maps: FIRM maps (Map Name & Dat r Floodplain Elevation is: hotographs (Name & Date): notographs (Date): ed Identification Wetland maps t/determination conducted on: ble/supporting case law:	or on behalf of the applicate on behalf of the applicant. The eation report, dated the delineation report, dated the delineation report, dated the eations. The delineation report, dated the eations are made to the delineation report, dated the eating th	prepared by (company): , prepared by (company):



<sup>&</sup>lt;sup>I</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23592 & D-16697

PROJECT	LOCA	TION	<b>INFOR</b>	MA	TION:
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State:

**TEXAS** 

County:

inty: GALVESTON

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 14, 728064 E, 3182458 N

Approximate size of area (parcel) reviewed, including uplands: 0.02 acres.

Name of nearest waterway: GARCITAS CREEK

Name of watershed: 12100402

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

**%** 

Date: 2-24-05

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

			FILE NUMBER: 73592
	ral Extent of Jurisdiction: (Reference: 33 CFR parts 32 Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated oil or scum line ald fine shell or debris physical markings/ tidal gages	ong shore objects deposits (foreshore)
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in veg	getation types.
<b>1</b> 7	Wetland boundaries, as shown on the attached wetland de	elineation map and/or in a deline	eation report prepared by:
	Prior converted cropland, as determined by the Na	s of 33 CFR part 328.3(a)(3). e following waters present on the ds or lagoons, pursuant to 33 Clupland if the irrigation ceased. Ind/or diking dry land to collect in the purposes as stock watering, it mall ornamental bodies of water er for primarily aesthetic reason ental to construction activity and is and until the construction or exthe definition of waters of the Untate commerce.	FR part 328.3.  and  rrigation, settling basins, or  created s.  I pits excavated in dry land for scavation operation is nited States found at 33 CFR
Ma Dia Dia Co U. U. U. U. U. V.	VIEWED FOR JURSIDICTIONAL DETERMINATION, plans, plans, plots or plat submitted by or on behalf of the lata sheets prepared/submitted by or on behalf of the lata sheets prepared/submitted by or on behalf of the appl This office concurs with the delineation report, dated This office does not concur with the delineation report lata sheets prepared by the Corps.  Orps' navigable waters' studies:  S. Geological Survey Hydrologic Atlas:  S. Geological Survey 7.5 Minute Topographic maps: LA.  S. Geological Survey 7.5 Minute Historic quadrangles:  S. Geological Survey 15 Minute Historic quadrangles:  SDA Natural Resources Conservation Service Soil Survers at late Local wetland inventory maps:  MA/FIRM maps (Map Name & Date):  O-year Floodplain Elevation is: (NGVD)  Corrial Photographs (Name & Date):  Cherial Photographs (Date): AS SUBMITTED BY APPLICATION of the photographs (Date): AS SUBMITTED BY APPLICATION of the visit/determination conducted on:  Opplicable/supporting case law:  Cherial Photographs (please specify):	applicant. icant. , prepared by (company): t, dated , prepared by (con	npany):

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE:** CESWG FILE NUMBER: D-16294

PR	O	JE	CT	L	O	CA	ľ	T	7	П	NE	O	R	M.	٩T	ION	

State: Texas County: Harris

Center coordinates of site (latitude/longitude):

29-49-43.39 / 95-27-34.81

Approximate size of area (parcel) reviewed, including uplands: 0.1 acres.

Name of nearest waterway: Brickhouse Gully Name of watershed: WhiteOak Bayou

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3 March 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
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Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.1 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.1 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Late	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	AVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps:  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 17 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 10 Minute H

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16979

PR	Λī	FCT	LOC	TION	INFORM	TATION.
	<b>v</b>	r.a	1 /4 /4 ./		INDURE	IAIICHN

State:

Texas

Montgomery

County: Center coordinates of site (latitude/longitude):

Lat: 30-9-37.6540 N

Long: 95-10-58.2228 W

Approximate size of area (parcel) reviewed, including uplands: 4.5 acres.

Name of nearest waterway: Peach Creek

Site visit(s)

Name of watershed: East Fork San Jacinto River

## JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Date: 16 February 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent 2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: It appears wetlands that are in close proximity and have a hydrologic surface connection to Peach Creek are present on the project site. Peach Creek is a water of the United States and therefore, the wetlands would be adjacent to a water of the United States and subject to Section 404.

teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Splendora, Tex. 1959  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Datural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Splendora, Tex. 1999  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Montgomery County, Panels 591 of 750; dated 19 December 1996  100-year Floodplain Elevation is: feet (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESWG FILE NUMBER: D-16979

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

Lat: 30-9-43.1352 N Long: 95-12-27.8496 W

Approximate size of area (parcel) reviewed, including uplands: 4.5 acres.

Name of nearest waterway: Caney Creek

Name of watershed:

East Fork San Jacinto River

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 16 February 2005

Date(s):

### Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\simega\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (2) The presence of interstate waters increasing interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: It appears wetlands that could have a hydrologic surface connection to Caney Creek are present on the project site. Caney Creek is a water of the United States and therefore, the wetlands would be adjacent to a water of the United States and subject to Section 404.

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
E	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<b>※</b>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
<b>3</b>	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Splendora, Tex. 1959  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Splendora, Tex. 1999  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Montgomery County, Panels 587 of 750; dated 19 December 1996  100-year Floodplain Elevation is: feet (NGVD)  Aerial Photographs (Name & Date): 1995 Infrared Aerial  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16985

# PROJECT LOCATION INFORMATION:

State:

**Texas** 

County:

San Patricio

Center coordinates of site (latitude/longitude):

Lat: 27-52-22.4832 N Long: 97-14-48.8256 W

Approximate size of area (parcel) reviewed, including uplands: 0.25 acres.

Name of nearest waterway: La Quinta Channel North Corpus Christi Bay Name of watershed:

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1 March 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is located in the La Quinta Channel, which is subject to interstate commerce and the daily tide. Therefore, the La Quinta Channel is a navigable water of the United States as well as a water of the United States.

Ta	itaral E	Extent of Insiediction (D.C.) 22 CFD			FILE NUMBER: D-16985
	Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts 328 an nary High Water Mark indicated by:			
		clear, natural line impressed on the bank	SI His	gh	n Tide Line indicated by:
	Ħ	the presence of litter and debris	읃	4	oil or scum line along shore objects
	Ħ	changes in the character of soil	×	┧	fine shell or debris deposits (foreshore)
		destruction of terrestrial vegetation	<b>~</b>	۲	physical markings/characteristics
		shelving	⊢	╣	tidal gages other:
		other:		ı	oulei.
******	,				
<b>35</b>	Mean	High Water Mark indicated by:			
	∐ su	urvey to available datum; 🔲 physical markings; 🔲 vego	etation	n l	lines/changes in vegetation types.
£.					
2.3	WCHZ	and boundaries, as shown on the attached wetland deline	ation 1	m	ap and/or in a delineation report prepared by:
	sis For	Not Asserting Jurisdiction:			
	The re	eviewed area consists entirely of uplands.			
E. C.S.	Unabi	le to confirm the presence of waters in 33 CFR part 328(	a)(1, 2	2,	or 4-7).
TEN	The	quarters declined to approve jurisdiction on the basis of 3	3 CF	R	part 328.3(a)(3).
	Unite	Corps has made a case-specific determination that the foll d States:	owing	g	waters present on the site are not Waters of the
	Ħ	Waste treatment systems, including treatment ponds or Artificially irrigated areas, which would revert to uplan	lagoo	on	is, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating and/or	ia II u dibir	ne	imgation ceased.
		retain water and which are used exclusively for such pr	uikii.	ec mg	as stock watering imigation and in her
		rice growing.	a pose	Ų3	as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other small of	rnam	ne i	ntal bodies of water created
	_	by excavating and/or diking dry land to retain water for	prim	าลเ	rily aesthetic reasons
		Water-filled depressions created in dry land incidental	to con	nsi	truction activity and pits excavated in dry land for
		abandoned and the resulting body of water meets the de	until	th	ne construction or excavation operation is
		328.3(a). Isolated, intrastate wetland with no nexus to interstate of			
		Prior converted cropland, as determined by the Natural	Resou	ıer	ice.
		Non-tidal drainage or irrigation ditches excavated on dr	y land	d.	Explain rationale:
		Other (explain):			
DATE A TO					
DATAK	Mane	WED FOR JURSIDICTIONAL DETERMINATION	(marl	k.	all that apply):
<u> </u>	Data ch	plans, plots or plat submitted by or on behalf of the appli	cant.		
E-st.	Th	heets prepared/submitted by or on behalf of the applicant his office concurs with the delineation report, dated			11 (
	H 75	is office does not concur with the delineation report, date	, pre	pa	ared by (company):
	Data sh	neets prepared by the Corps.	-u		, prepared by (company):
100	Corps'	navigable waters' studies:			
	U.S. G	eological Survey Hydrologic Atlas:			
X	U.S. G	eological Survey 7.5 Minute Topographic maps: Port Inc	leside	e.	Tex., Photorevised 1975
153	U.S. G	eological Survey 7.5 Minute Historic quadrangles:		•	2,7,0
4	U.S. G	eological Survey 15 Minute Historic quadrangles:			
Fo	USDA	Natural Resources Conservation Service Soil Survey:			
\$ a.c.	Nationa State/I	al wetlands inventory maps:			
\$1.00 \$1.00	FEM A	ocal wetland inventory maps: /FIRM maps (Map Name & Date):			
\$27001 27001		ar Floodplain Elevation is: feet (NGVD)			
X		Photographs (Name & Date): 2002 GLO Infrared Aerial			
團	Other p	photographs (Date):			
	Advanc	red Identification Wetland maps:			
M	Site vis:	it/determination conducted on:			
<b>28</b>	Applica	able/supporting case law:			
麩	Other ir	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FIL	E NI	CT OFFI UMBER: CT LOCA		CESWG D-15274/01 FORMATION:					
	State		Texas						
	Cou		Harris						
		-		te (latitude/longitu	de)·	29° 51'	44"N. 95	° 19' 47"W	
	Con	ici coolai	inates of st	te (latitude/longitu	uo).			° 20' 23"W	
	Nan		est waterw	a (parcel) reviewe ay: Halls Bayou Buffalo Bayou	d, includin			20 23 11	
TTIE	icn	ICTION	AI DETE	RMINATION					
JUN				determination	⊠ ⊡	Date: Date(s):	03-01-05		
	Juri	isdictiona	l Determi	nation (JD):					
		United S	tates" and					or) there appear to be no "waters of the ect site. A preliminary JD is not appealable	
	×		d JD – An I that appl	approved JD is any:	appealable	e action (Ref	erence 33 CF	R part 331).	
				gable waters of the Approximate size				FR part 329 and associated guidance) withing	n
				ers of the United S proximate size of j				28 and associated guidance) within the -acres	
		There	e are "isol					thin the reviewed area. e Information Sheet for Determination of N	o
DAC	ere c	AE ITIDIC	DICTION	NAL DETERMIN	ATION.				
DAS	A.	Waters of	defined ur ence of wa	ider 33 CFR part	329 as "n t to the eb	b and flow of	the tide and/	or are presently used, or have been used in	
				ider 33 CFR part f waters, which are				States": past, or may be susceptible to use in	
	A-100-100	interstate	or foreign	commerce, includ	ling all wa	ters which ar	e subject to the	he ebb and flow of the tide.	
		(2) The p	oresence of	f interstate waters i	ncluding i	nterstate wetl	ands¹.		
		sandflats destructi	, wetlands on of whic	, sloughs, prairie p h could affect inte	otholes, we rstate com	et meadows, j merce includi	olaya lakes, o ng any such	ncluding intermittent streams), mudflats, or natural ponds, the use, degradation or waters (check all that apply): creational or other purposes.	
								rstate or foreign commerce.	
		= ` ′						n interstate commerce.	
				of waters otherwis					
	$\boxtimes$			f a tributary to a wa	ater identif	ied in (1) – (4	) above.		
				f territorial seas. f wetlands adjacent	to other	waters of the	US, except fo	or those wetlands adjacent to other wetland	5.
								es checked above). If the jurisdictional onnection(s) to the downstream navigable	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Halls Bayou is a water of the United States

FILE NUMBER: D-15274/01

Lat ⊠	oil or scum line all oil or scum line all oil or scum line all	long shore objects s deposits (foreshore)
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation.	egetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a deli	neation report prepared by:
Ba	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	CFR part 328.3.  ct and g, irrigation, settling basins, or ter created sons. and pits excavated in dry land for r excavation operation is c United States found at 33 CFR and Service. Explain rationale:
	☐ This office concurs with the delineation report, dated, prepared by (co ☐ This office does not concur with the delineation report, dated, prepare ☐ Data sheets prepared by the Corps. Corps' navigable waters' studies: ☐ U.S. Geological Survey Hydrologic Atlas:	mpany):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

FILE N PROJE Sta					
Cer Ap Na	nter coordinates o proximate size of	f site (latitude/longitude): area (parcel) reviewed, inclerway: Carpenters Bayou San Jacinto		' 06"N, 95° 11' 12"W _N/A	
		TERMINATION op determination isit(s)	Date: Date(s):	02-28-05	
Ju	risdictional Deter	rmination (JD):			
# 1 m	Preliminary JD United States" a (Reference 33 C	and/or "navigable waters of	nation,  there of the United States	appear to be (or) there appear to be so on the project site. A preliminary JI	no "waters of the D is not appealable
S.	Approved JD – Check all that a	An approved JD is an appe pply:	alable action (Re	ference 33 CFR part 331).	
		navigable waters of the Unit ea. Approximate size of jui		fined by 33 CFR part 329 and associat	ted guidance) within
		waters of the United States" Approximate size of jurisd		3 CFR part 328 and associated guidan _N/A	ace) within the
	There are "i	isolated, non-navigable, int Decision supported by Jurisdiction.	ra-state waters of SWANCC/Migra	r wetlands" within the reviewed area. atory Bird Rule Information Sheet for	Determination of No
		IONAL DETERMINATION			
A.	The presence of	I under 33 CFR part 329 a waters that are subject to the be susceptible for use to tr	he ebb and flow o	aters of the United States": of the tide and/or are presently used, or or foreign commerce.	have been used in
	(1) The presence interstate or for (2) The presence	eign commerce, including a e of interstate waters include	ently used, or wei all waters which a ling interstate we	re used in the past, or may be susceptibure subject to the ebb and flow of the titlands.	de.
E La Carte C	sandflats, wetla destruction of v  (i) which a  (ii) from w	nds, sloughs, prairie pothol which could affect interstate re or could be used by inter hich fish or shellfish are or	es, wet meadows commerce inclu- state or foreign to could be taken as	ers, streams (including intermittent str, playa lakes, or natural ponds, the useding any such waters (check all that appravelers for recreational or other purpoint sold in interstate or foreign comments.	, degradation or oply): oses.
	(4) Impoundme (5) The presence (6) The presence	nts of waters otherwise defi e of a tributary to a water in e of territorial seas.	ined as waters of dentified in (1) –	by industries in interstate commerce. the US. (4) above. e US, except for those wetlands adjace	ent to other wetlands.
D.	Alamata Camaba D	asia ak Iuwiadiatianal Data	rmination (annl	ies to any hoves checked above) If t	ha jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

D-16937

Late	Ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank  the presence of litter and debris  changes in the character of soil destruction of terrestrial vegetation shelving other:	th Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<u>ਾ</u>	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation  Wetland boundaries, as shown on the attached wetland delineation:	
Bas	asis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 1) Headquarters declined to approve jurisdiction on the basis of 33 CFT The Corps has made a case-specific determination that the followin United States:  Waste treatment systems, including treatment ponds or lago Artificially irrigated areas, which would revert to upland if Artificial lakes and ponds created by excavating and/or diking retain water and which are used exclusively for such purpose rice growing.  Artificial reflecting or swimming pools or other small ornar by excavating and/or diking dry land to retain water for pring Water-filled depressions created in dry land incidental to contain the purpose of obtaining fill, sand, or gravel unless and untiabandoned and the resulting body of water meets the definition 328.3(a).  Isolated, intrastate wetland with no nexus to interstate complete purpose of converted cropland, as determined by the Natural Resent Non-tidal drainage or irrigation ditches excavated on dry lagother (explain):	R part 328.3(a)(3).  Ig waters present on the site are not Waters of the sons, pursuant to 33 CFR part 328.3. The irrigation ceased.  Ing dry land to collect and ses as stock watering, irrigation, settling basins, or mental bodies of water created marily aesthetic reasons.  Instruction activity and pits excavated in dry land for ill the construction or excavation operation is tion of waters of the United States found at 33 CFR merce.  Instruction conservation Service. Explain rationale:
DATA	This office concurs with the delineation report, dated This office does not concur with the delineation report, dated	ark all that apply):  tt.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16984

### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Zapata

Center coordinates of site (latitude/longitude):

Lat: 26-47-3.4408 N

Long: 99-7-7.3397 W

Approximate size of area (parcel) reviewed, including uplands: 6 acres.

Name of nearest waterway: Arroyo Miguel

Name of watershed: International Falcon Reservoir

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 28 February 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site contains the Arroyo Miguel, which a tributary to the Rio Grande, a navigable water of the United States. Therefore, the Arroyo Miguel is a water of the United States. Also, any contiguous wetlands would be adjacent and a water of the United States.

Late ⊠	Ordinary High Water Mark indicated by:    Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:    High Tide Line indicated by:   Gil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
15.4	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul><li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li><li>Other (explain):</li></ul>
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Arroyo Miguel, Tex.  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: feet (NGVD)  Aerial Photographs (Name & Date):  1995 Infrared Aerial  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: 23685

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

**Trinity** Center coordinates of site (latitude/longitude):

30-53-37.9 / 95-20-26.6

Approximate size of area (parcel) reviewed, including uplands: 0.004 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3-2-05

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.004 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

**FILE NUMBER: 23685** 

Lat	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  I water Mark indicated by:  I High Tide Line indicated by:  Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ⊠ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
Bas	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:  is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul><li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li><li>Other (explain):</li></ul>
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Long: 95-21-18.1867 W

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16986

PROJECT LO	OCATION	INFORMA	TION:
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State:

Texas

County:

Montgomery and Harris

Center coordinates of site (latitude/longitude): Lat: 30-4-37.8978 N

Approximate size of area (parcel) reviewed, including uplands: unkown acres.

Name of nearest waterway: Spring Creek Name of watershed: Spring Creek

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 1 March 2005

Date(s):

## Jurisdictional Determination (JD):

飅	Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Mac There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is located along Spring Creek, which is a water of the United States and a tributary to the San Jacinto River, a navigable water of the United States. Therefore, the project site is located in a water of the United States. Also, adjacent wetlands are probably located within the proejct site.

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
LE	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA I	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Spring, Tex., 1960 and Maeden, Tex. 1982  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Active John Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: feet (NGVD)  Aerial Photographs (Name & Date): 1995 Infrared Aerial  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).